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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/040,499	12/28/2001	David J. Long	50277-1768	3702

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EXAMINER	
YIGDALL, MICHAEL J	

ART UNIT	PAPER NUMBER
2192	

DATE MAILED: 12/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action Before the Filing of an Appeal Brief	**Application No.** 10/040,499	**Applicant(s)** LONG ET AL.	
	Examiner Michael J. Yigdall	**Art Unit** 2192	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 14 November 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:
   a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
   b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

   Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
   (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
   (b) ☐ They raise the issue of new matter (see NOTE below);
   (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
   (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

   NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).
4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the ~~proposed amendment(s)~~ remarks: a) ☐ will not be entered, or b) ☒ will be entered ~~and an explanation of how the new or amended claims would be rejected is provided below or appended~~.

   The status of the claim(s) is (or will be) as follows:
   Claim(s) allowed: _____.
   Claim(s) objected to: _____.
   Claim(s) rejected: *1-3,5-16,38,40,41 and 43-53*.
   Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
12. ☒ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). 3/22, 10/26, 11/17/05
13. ☐ Other: _____.

Continuation of 11.

Notwithstanding Applicant's discussion of patentable subject matter (remarks, pages 3-4), claims 38, 40, 41 and 43-53 stand rejected under 35 U.S.C. 101 as being directed to non-statutory subject matter. The claims recite a "computer-readable medium" that is defined to include "transmission media" and "carrier wave[s]" (specification, page 31, lines 3-16), which do not fall within any class of statutory subject matter. Applicant contends that "computer-readable media embodied in a carrier wave, where the wave is encoded with instructions that are readable by a computer, are both a statutory article of manufacture and a statutory product" (remarks, page 3, second paragraph). However, the Office does not share this interpretation. Applicant's attention is directed to Annex IV, part (c) of the Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility, signed on October 26, 2005.

Applicant's arguments with respect to the rejections under 35 U.S.C. 103(a) (remarks, pages 4-7) have been fully considered but they are not persuasive. The final Office action mailed on September 20, 2005 presented a prima facie case of obviousness based on the plain language of the claims.

As presented in the final Office action, Guillen teaches an instance-level dispatch table that defines per-instance methods and implementations of the per-instance methods (see, for example, FIG. 7 and column 7, lines 7-20). The instance-level dispatch table is a "policy table." It is not expressly disclosed as a "policy object" that is (a) stored in a database, (b) an instance of a "policy object" class, and (c) mapped to one or more rows of a database table. However, Schoening teaches a method of storing objects in a database (see, for example, column 26, lines 57-67), wherein the objects are instances of a class (see, for example, column 27, lines 61-66), and are mapped to one or more rows of a database table (see, for example, column 29, lines 12-17 and 23-31). The teachings of Schoening enable the persistent storage of information objects (see, for example, column 3, lines 32-45), regardless of the nature or content of the information to be persistently stored. Accordingly, the method of Schoening would enable the persisent storage of information objects such as the "policy table" of Guillen. To persistently store the "policy table" of Guillen, in view of Schoening, the "policy table" is implemented as a "policy object" that is (a) stored in a database, (b) an instance of a "policy object" class, and (c) mapped to one or more rows of a database table, all as Schoening teaches. The plain language of the claims does not exclude the references.

Applicant appears to argue for features of a "policy bundle object" to illustrate a difference between the teachings of the references and the embodiment of the invention recited in claim 1 (Applicant's remarks, page 5, second full paragraph). However, such features are not recited in the claim. Likewise, Applicant describes a "non-limiting advantage of embodiments of the invention" (Applicant's remarks, pages 5-6, bridging paragraph) that is not recited in the claim. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See In re Van Geuns, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

MY

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SUPERVISORY PATENT EXAMINER